

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

CHRISTOPHER MCCULLOUGH,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:05-cv-01163-WKW-SRW
)	
CLAY STEWART, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR EXTENSION OF TIME

COME NOW Clay Stewart, Jail Administrator for the Chambers County, Alabama, Detention Facility, and Sergeant John Carmichael,¹ Defendants in the above-styled cause, and move this Honorable Court for an extension of time in which to file their Special Report and Answer which are presently due on February 15, 2006 . As grounds for said motion, Defendants state as follows:

1. On January 6, 2006, this Court entered an Order directing the Defendants to file a Special Report in the above-styled cause on or before February 15, 2006.

2. The gathering of information with which to formulate the Special Report has taken longer than expected. Counsel for Defendants has yet to meet with all the Defendants for the purpose of ascertaining the facts of the case and obtaining the documents located at Chambers County Sheriff's Department relevant to Plaintiff's allegations. In addition, it may be

¹ The Defendant designated in Plaintiff's Complaint as the "Chambers County Sheriff's Department" is not listed herein due to the pending Report and Recommendation that said Defendant be dismissed prior to service because it is not a legal entity capable of being sued. To date, there has been no order adopting or denying said Report and Recommendation; therefore, to the extent that this Defendant is still considered a party in this litigation, the undersigned counsel wishes to make his Notice of Appearance for this Defendant and also request that this Motion for Extension of Time be construed to apply to the Defendant designated as the "Chambers County Sheriff's Department" until and unless they are dismissed by final order of this Court.

necessary to obtain additional documents relating to the Plaintiff's incarceration made the basis of his Complaint.

3. Defendants are in need of this additional time to fully respond to the Plaintiff's allegations.

4. Defendants have not previously requested an extension of time in this case.

5. Plaintiff will not be prejudiced by the requested extension.

WHEREFORE, PREMISES CONSIDERED Defendants respectfully request this Honorable Court grant their Motion for Extension of Time to file their Special Report and Answer up to and including March 1, 2006.

Respectfully submitted this 13th day of February, 2006.

s/Winthrop E. Johnson
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CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of February, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Christopher McCullough
AIS#174909
W E Donaldson Correctional Facility
100 Warrior Lane
Bessemer, AL 35203

s/Winthrop E. Johnson
OF COUNSEL